

STATE OF TEXAS           §  
                                     §  
COUNTY OF DALLAS     §

**FIRST AMENDMENT TO  
TAX ABATEMENT AGREEMENT**

This First Amendment to Tax Abatement Agreement (the “First Amendment”) is entered into by and between the City of Coppel, Texas (the “City”), and Bio World Merchandising, Inc., a Texas corporation (“Owner”) (each a “Party” and collectively the “Parties”), acting by and through their authorized representatives.

**WITNESSETH:**

**WHEREAS**, the Parties previously entered into that certain Tax Abatement Agreement dated May 2, 2017 (the “Original Agreement”); and

**WHEREAS**, the Parties desire to amend the Original Agreement as it relates to extension of the dates required for Commencement and Completion of Construction, as well as attaching the legal description of the Land as Exhibit “A”;

**NOW, THEREFORE**, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the Parties agree as follows:

1. That Section 4.2 of the Original Agreement is hereby amended to read as follows:

“4.2 As a condition precedent to the initiation of the Owner’s tax abatement pursuant to this Agreement, Owner agrees, subject to events of Force Majeure, to cause Commencement of Construction of the Improvements to occur on or before December 1st, 2018, and subject to events of Force Majeure to cause Completion of Construction of the Improvements to occur on or before June 1st, 2020, as good and valuable consideration for this Agreement, and that all construction of the Improvements will be in accordance with all applicable state and local laws, codes, and regulations (or valid waiver thereof).”

2. That Exhibit “A” is hereby amended by attaching the legal description of the Land.

3. That the Original Agreement shall continue in full force and effect, except as amended herein.

4. That this First Amendment to the Original Agreement shall take effect on the last date of execution hereof.

5. That this First Amendment to the Original Agreement may be executed in counterparts. Each of the counterparts shall be deemed an original instrument, but all of the counterparts shall constitute one and the same instrument.

6. That each Party represents that it has full capacity and authority to grant all rights and assume all obligations that are granted and assumed under this Agreement.

**EXECUTED** in duplicate originals the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**CITY OF COPPELL, TEXAS**

By: \_\_\_\_\_  
Karen Selbo Hunt, Mayor

**Attest:**

By: \_\_\_\_\_  
Christel Pettinos, City Secretary

**Approved as to Form:**

By: \_\_\_\_\_  
City Attorney

**EXECUTED** in duplicate originals the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**BIO WORLD MERCHANDISING, INC.**

By: \_\_\_\_\_  
Rajeev Malik, President

## **EXHIBIT “A”**

### **LEGAL DESCRIPTION**

ALL THAT CERTAIN plot, tract or parcel of land and premises, lying and bring in the County of Dallas, and State of Texas, bounded and described as follows:

BEING a description of a 16.722 acre tract of land situated in the John L. Whitman Survey, Abstract No. 1521, Dallas County, Texas: said tract being part of that certain tract of land described in Special Warranty Deed to Hackbelt 27 Partners, L.P. recorded in Volume 2003167, Page 12149 of the Deed Records of Dallas County, Texas; said 16.722 acre tract being more particularly described as follows:

BEGINNING, at a 5/8-inch iron rod with “PACHECO KOCH” cap set for corner at the South end of a right-of-way corner clip at the Intersection of the East right-of-way line of S. Belt Line Road (120’ right-of-way) and the South right-of-way line of East Dividend Drive (90’ right-of-way);

THENCE, North 44 degrees, 29 minutes, 25 seconds East, along the said corner clip, a distance of 21.21 feet to a 5/8-inch iron rod with “PACHECO KOCH” cap set for corner at the Northeast end of said corner;

THENCE, north 89 degrees, 29 minutes, 25 seconds East, along the said South line of East Dividend Drive, a distance of 605.00 feet to a ½-inch iron rod with “PACHECO KOCH” cap found for corner; said point being in the West line of Lot 2, Block H/8465, Cypress Waters Addition No. 2, Phase 3, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201400117339 of the Official Public Records of Dallas County, Texas;

THENCE, South 00 degrees, 30 minutes, 35 seconds East, along the said West line of Lot 2, Block H/8465, passing at a distance of 615.45 feet, the Southwest corner of said Lot 2, Block H/8465 and the Northwest corner of Lot 1B, Block H/8465, Cypress Waters Addition No. 3, Phase I, an addition to the City of Dallas, Texas, according to the plat recorded in Instrument No. 201500010982 of said Official Public Records, continuing at a distance of 757.28 feet the Southwest corner of said Lot 1B, Block H/8465 and the Northwest corner of Lot 1A, Block H/8465 of said Cypress Waters Addition No. 3, Phase 1, continuing for a total distance of 1,014.22 feet to a 5/8-inch iron rod with “PACHECO KOCH” cap set for corner;

THENCE, South 89 degrees, 09 minutes, 17 seconds West, departing the West line of said Lot 1A, Block H/8465 and over and across said Hackbelt 27 Partners, L.P. tract, a distance of 397.12 feet to a 5/8-inch iron rod with “GSES INC. 4804” cap found for corner;

THENCE, South 00 degrees, 50 minutes, 43 seconds East, a distance of 442.44 feet to a point for corner in the North right-of-way line of Hackberry Drive (a variable width right-of-way);

THENCE, South 89 degrees, 29 minutes, 25 seconds West, along the said North line of Hackberry Drive, a distance of 195.48 feet to a 5/8-inch iron rod with “PACHECO KOCH” cap set for corner at the Southeast corner of a right-of-way corner clip at the Intersection of said North line of Hackberry Drive and the said East line of S. Belt Line Road;

THENCE, North 45 degrees, 30 minutes, 35 seconds West, along the said corner clip, a distance of 42.43 feet to a 5/8-inch iron rod with “PACHECO KOCH” cap set for corner at the Northwest end of said corner clip in the said East line of S. Belt Line Road;

THENCE, North 00 degrees, 30 minutes, 35 seconds West, along the said East line of S. Belt Line Road, a distance of 1,413.97 feet to the POINT OF BEGINNING;

CONTAINING: 728,414 square feet or 16.722 acres of land, more or less.

**BEING INTENDED TO BE THE SAME PROPERTY** described and shown on that certain survey entitled “John L. Whitman Survey” prepared by John L. Whitman dated September 20, 2016 and last revised on October 11, 2016.